

FORM SUMMARY

Name of Form	Order to Approve Transfer to Spouse, Marital Property Agreement or Other Transaction
Form Number	GN-2091
Statutory Reference	880.173 and 880.31, Wisconsin Statutes
Benchbook Reference	GA 1-19, GA 6-3
Purpose of Form	to authorize the exercise of the rights and powers of a ward that the ward could exercise as a married person if not under guardianship or authorize the transfer of property of a person under conservatorship, regardless of marital status.
Who Completes It:	Attorney or petitioner.
Distribution of Form	Original to court.
Accompanying Forms:	Original attachments to the court.
New Form/Modification:	New form.
Comments:	<p>The legal standard to be applied by the court in deciding whether to grant a petition under §880.173 is whether the exercise of the right or power will benefit the ward, his or her estate, or members of his or her immediate family. <u>In the Matter of the Guardianship of FEH</u>, 154 Wis.2d 576, 589, 453 N.W.2d 882 (1989). Several factors the court may consider are listed on the form. Most commonly this petition will seek authorization to transfer, and thereby reclassify as individual non-marital property, ownership interests from the ward to the ward's spouse.</p> <p>The legal standard to be applied in conservatorship for authorizing gifts from the estate is that the ward and conservator agree. <u>Zobel v. Fenendael</u>, 127 Wis.2d 382 (Ct. App. 1985). In the absence of an agreement and if the person is married, the transaction may be authorized under §880.173</p>
About this Form:	<p>This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference.</p> <p>If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered.</p>